

APPENDIX M HOME DAY CARE R-3 OCCUPANCY

Appendix M, Home Day Care R-3 Occupancy, of the International Residential Code is adopted in its entirety as Appendix M of the Residential Code.

SOURCE: Final Rulemaking published at 61 DCR 3063 (March 28, 2014 – Part 2).

The *District of Columbia Residential Code* (2013), referred to as the “*Residential Code*,” consists of the 2012 edition of the *International Residential Code for One- and Two-Family Dwellings*, published by the International Code Council (ICC), as amended by the *District of Columbia Residential Code Supplement* (2013) (12 DCMR B). The *International Residential Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/irc/2012/index.htm?bu=IC-P-2012-000002&bu2=IC-P-2012-000019>.

APPENDIX M HOME DAY CARE

M101 GENERAL

M101.1 General.

This appendix shall apply to a home day care operated within an existing detached one and two-family *dwelling*s and townhouses within the scope of the *Residential Code* and occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. Appendix M does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients are *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.
3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

M101.2 Number of occupants. For purposes of this Appendix, the number of occupants of a *dwelling unit* used for home day care shall include care receivers, caregivers, residents and guests. Where a provision of this Appendix expressly refers to a number of children, children residing in the dwelling shall be included in the calculation total.

M101.3 Other requirements. The requirements of this Appendix M shall not abrogate, or be deemed to abrogate, any other applicable legal requirements imposed on owners and operators of home day care facilities, including but not limited to the *Zoning Regulations*, Title 11 DCMR, the District of Columbia Department of Health Child Development Facility Regulations, Title 29 DCMR, and Title III of the Americans with Disabilities Act of 1990, (Pub. L. No. 101-336, 104 Stat. 328 (1990)).

M101.4 Sprinkler requirements. Home day care facilities located in *existing dwelling units that are not protected by an automatic sprinkler system* and that meet the requirements of Appendix M are not required to be protected by an *automatic sprinkler system* in accordance with Section R313.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

The *District of Columbia Residential Code* (2013), referred to as the “*Residential Code*,” consists of the 2012 edition of the *International Residential Code for One- and Two-Family Dwellings*, published by the International Code Council (ICC), as amended by the *District of Columbia Residential Code Supplement* (2013) (12 DCMR B). The *International Residential Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/irc/2012/index.htm?bu=IC-P-2012-000002&bu2=IC-P-2012-000019>.

M102 DEFINITIONS

EXIT. That portion of a *means of egress* system between the *exit access* and the exit discharge or public way. *Exit* components include exterior exit doors at the *level of exit discharge*, interior *exit* stairways, interior *exit* ramps, *exit* passageways, exterior *exit* stairways and exterior *exit* ramps and horizontal exits.

EXIT ACCESS. That portion of a *means of egress* system that leads from any occupied point in a *building* or *structure* to an *exit*.

EXIT DISCHARGE, LEVEL OF. The story at the point at which the *exit* terminates and the *exit* discharge begins.

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to the exterior at grade. A *means of egress* consists of three separate and distinct parts: the *exit access*, the *exit* and the *exit* discharge.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M103 MEANS OF EGRESS

M103.1 Means of egress. The *means of egress* from each level of the one and two family *dwelling unit* used as a home day care occupancy shall comply with this section.

M103.1.1 Below grade level. Below grade levels shall be provided with two means of egress, one of which shall consist of an *exit* door that provides direct access to the exterior.

Exception: One and two family *dwelling units* used as a home day care occupancy where the occupancy is equipped throughout with an automatic sprinkler system in accordance with Section R313 shall provide an *exit* door that provides direct access to the exterior.

M103.1.2 At grade level nine occupants or less. At grade levels with an occupant load of nine or less shall be provided with an *exit* door that provides direct access to the exterior and a means of escape in compliance with Section R310.

Exception: One and two family *dwelling units* used as a home day care occupancy equipped with an automatic sprinkler system in accordance with Section R313 need only provide an *exit* door that provides direct access to the exterior.

M103.1.3 At grade level more than nine occupants. At grade levels with an occupant load of more than nine shall be provided with two *means of egress* one of which shall be an *exit* door that provides direct access to the exterior.

M103.1.4 Second story nine occupants or less. The second story with an occupant load of nine or less shall be provided with a means of *exit access* and a means of escape in compliance with Section R310.

M103.1.5 Second story more than nine occupants. The second story with an occupant load of more than nine shall be provided with two *means of egress* one of which shall be an *exit* door that provides direct access to the exterior.

Exception: One and two family *dwelling units* used as a home day care occupancy equipped with an automatic sprinkler system in accordance with Section R313 need only provide a means of *exit access* and a means of escape in compliance with Section R310.

M103.1.6 Third story. The third story shall not be used for as a home day care occupancy.

Exception: Where the *dwelling* used for home day care is equipped throughout with an automatic sprinkler system in accordance with Section

R313 and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310.

M103.2 **Yards.** If the *yard* is to be used as part of the home day care operation it shall be fenced in accordance with M103.2.

M103.2.1 Type of fence and hardware. The fence shall be of durable materials and be at least 6 feet (1529 mm) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of 5 feet (1528 mm) above the ground.

Exception: The door of any *dwelling* which forms part of the enclosure need not be equipped with self-closing and self-latching devices.

M103.2.2 Construction of fence. Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between *grade* and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions, except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be 1¹/₄ inches (32 mm) square, unless the fence has slats at the top or bottom which reduce the opening to no more than 1³/₄ inches (44 mm). The wire shall not be less than 9 gage [0.148 inch (3.8 mm)].

M103.2.3. Decks. Decks that are more than 12 inches (305 mm) above *grade* shall have a guard in compliance with Section R312.

M103.3 **Type of lock and latches for exits.** Regardless of the occupant load served, *exit* doors shall be capable of being opened from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided such devices are capable of being opened from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

M103.4 **Landings.** Landings for stairways and doors shall comply with Section R311, except that landings shall be required for the exterior side of a sliding door when a home day care is being operated in the *dwelling*.

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SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M104 SMOKE DETECTION

M104.1 General.

Smoke alarms shall be installed in all *dwelling*s used for home day care. Smoke alarms shall be installed in accordance with Section R313. In addition to the locations required by Section R313 smoke alarms shall be installed in all areas used for napping.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

The *District of Columbia Residential Code* (2013), referred to as the “*Residential Code*,” consists of the 2012 edition of the *International Residential Code for One- and Two-Family Dwellings*, published by the International Code Council (ICC), as amended by the *District of Columbia Residential Code Supplement* (2013) (12 DCMR B). The *International Residential Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/irc/2012/index.htm?bu=IC-P-2012-000002&bu2=IC-P-2012-000019>.

M105 CARBON MONOXIDE DETECTION

M105.1 General. Carbon monoxide alarms shall be installed in all *dwelling*s used for home day care equipped with a fuel burning appliance or an attached garage. Carbon monoxide alarms shall be installed in accordance with Section R315.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M106 OCCUPANT LOAD

M106.1 Maximum number of occupants. The maximum number of occupants allowed in a home day care facility shall be determined by the square footage of those portions of the *dwelling unit* legally used for home day care activities. The occupant load factor shall be 35 square feet net per occupant, provided that, regardless of square footage, the maximum number of clients served in home day care shall not exceed 12 persons.

M106.2 Infants. The minimum staff-to-client ratio for children age two or younger (referred to herein as “infants”) shall be 1:2, provided that the number of infants shall not, under any circumstances, exceed six. Where children of various ages are present in a home day care facility, including the caregiver’s children, the following table shall apply:

Table M 106.3 Family Home Provider Adult/Child Ratio

Age of children ¹	Adult /Child Ratio	Maximum Group size
1 infant and between 1 and 11 children over 2 years of age	1:6	12
2 infants and between 1 and 4 children over 2 years of age	1:6	6
3 infants and between 1 and 6 children over 2 years of age	1:3 (but at least 2 caregivers)	9
4 infants and between 1 and 8 children over 2 years of age	1:3 (but at least 2 caregivers)	12
5 infants and between 1 and 4 children over 2 years of age	3 caregivers	9
6 infants and between 1 and 3 children over 2 years of age	3 caregivers	9

¹ A child who is non-ambulatory will be treated the same as an infant for purposes of the adult/child ratio.

M106.4 Adults. The minimum staff- to- client ratio for adults in *dwelling*s used for home day care operations shall be as follows:

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1. One care giver for every two adult occupants *incapable of self-preservation* shall be maintained at all times in *dwellings* not protected with automatic sprinklers in accordance with Section R313;
2. One care giver for every six adult occupants *incapable of self-preservation* shall be maintained at all times in *dwellings* protected with automatic sprinklers in accordance with Section R313;
3. One care giver for every six adult occupants capable of self-preservation shall be maintained at all times in *dwellings* used for home day care operations.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M107 FIRE EXTINGUISHERS

M107.1 General. Multi-purpose fire extinguishers of a type approved for use in residences must be maintained in good working condition and installed in the kitchen and outside the furnace room of the *dwelling*. The caregivers must know how to use the fire extinguishers installed in a home day care. Fire extinguishers with gauges must show a full charge. Fire extinguishers with seals must have unbroken seals.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M108 FIRE SAFETY AND EVACUATION PLANS

M108.1 Submission of plan. Prior to operation, the home day care provider must submit a written fire safety and evacuation plan to the *code official*, using a form furnished by the *code official* or an approved equivalent form. The plan, as approved by the *code official*, must be posted in a conspicuous place in the home day care or filed in a place in the home day care which is available for review by employees and by the parents or guardians of the persons in care. The approved emergency evacuation plan must describe the following at a minimum:

M108.2 Contents. The fire safety and evacuation plan shall include the following:

1. How children and adults will be made aware of an emergency;
2. Primary and secondary evacuation routes;
3. Floor plans identifying the location of the evacuation routes and other *means of egress*, and the location of portable fire extinguishers;
4. Methods of evacuation, including the meeting place where children and adults will meet after evacuating the home, and how attendance will be taken to determine if all occupants have been successfully evacuated or have been accounted for;
5. The procedure for notification of authorities and the parents/guardians of the persons in care;
6. Procedures and recordkeeping for emergency evacuation drills and employee training that complies with AM108.3; and
7. Such other information as the *code official* shall require.

M108.3 Emergency evacuation drills; employee training and response procedures. Emergency evacuation drills shall be conducted at least monthly. Drills should be conducted in exactly the same manner as an actual emergency (except for notifying emergency personnel). The home day care provider shall keep a written record of monthly evacuation drills in a form approved by the *code official*. The record must include total egress time from the time the alarm sounds until everyone reaches the meeting place. The record must also list the number of children in care and adults present, and the *exit* that was used. Employees shall be trained in the fire emergency procedures described in the fire safety and emergency evacuation plan as part of new employee orientation.

M108.4 Matters not provided for. Home day care providers shall comply with any requirements that are deemed essential for the safety of the occupants of the day care home by the *code official*.

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SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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M109 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

M109.1 General. The selected interior finishes, decorative materials and furnishings for home day care facilities shall comply with Chapter 8 of the *Fire Code*.

SOURCE: Final Rulemaking published at 63 DCR 15739 (December 23, 2016).

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